

AMENDED IN ASSEMBLY APRIL 25, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2843

Introduced by Assembly Member Saldana
(Coauthors: Assembly Members Berg, Pavley, and Oropeza)

February 24, 2006

An act to amend Section 43023.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2843, as amended, Saldana. Air pollution.

(1) Existing law grants primary authority for the control of air pollution from vehicular sources to the State Air Resources Board. Existing law authorizes the state board to adopt and implement motor vehicle emission standards and motor vehicle specifications. Existing law provides for the existence of various clean air programs, including the Carl Moyer Air Quality Standards Attainment Program.

Existing law, notwithstanding a specified provision of the Budget Act of 2001, requires any air quality management district or air pollution control district with a population of one million residents or greater, in consultation with the state board, to expend not less than 50% of the moneys appropriated for the Carl Moyer program, programs to fund the purchase of reduced-emissions schoolbuses, and diesel mitigation programs, in a manner that directly reduces air contaminants or the public health risks associated with air contaminants, in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including communities of minority populations or low-income populations, or both. Existing law makes these provisions inapplicable to those

districts with fewer than one million residents, but, notwithstanding a specified provision in the Budget Act of 2001, encourage those districts to apply similar funding approaches to the extent each district determines feasible. Existing law repeals these provisions as of January 1, 2007.

This bill would delete the requirement that these provisions are repealed as of January 1, 2007. By imposing additional duties on districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43023.5 of the Health and Safety Code
2 is amended to read:
3 43023.5. (a) ~~Notwithstanding the requirements established~~
4 ~~by~~ Provision 3 of Item 3900-001-0044 of the Budget Act of 2001
5 (Chapter 106 of the Statutes of 2001) requiring all districts to
6 distribute one-half of the funds subject to that provision in a
7 manner that directly benefits low-income communities and
8 communities of color that are disproportionately impacted by air
9 pollution, only districts with a population of one million residents
10 or greater, in consultation with the state board, shall ensure that
11 not less than 50 percent of the funds subject to that provision and
12 any other funds appropriated for purposes of the programs
13 specified in paragraphs (1) to (3), inclusive, are expended in a
14 manner that directly reduces air contaminants or reduces the
15 public health risks associated with air contaminants in those
16 districts, including, but not limited to, airborne toxics and
17 particulate matter, in communities with the most significant
18 exposure to air contaminants or localized air contaminants, or

1 both, including, but not limited to, communities of minority
2 populations or low-income populations, or both:

3 (1) The Carl Moyer Air Quality Standards Attainment
4 Program (Chapter 9 (commencing with Section 44275) of Part 5
5 of Division 26 of the Health and Safety Code).

6 (2) Programs for the purchase of reduced-emissions
7 schoolbuses.

8 (3) Diesel mitigation programs.

9 ~~(b) Notwithstanding the requirements established by Provision~~
10 ~~3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106~~
11 ~~of the Statutes of 2001) requiring all districts to distribute~~
12 ~~one-half of the funds subject to that provision in a manner that~~
13 ~~directly benefits low-income communities and communities of~~
14 ~~color that are disproportionately impacted by air pollution, a~~
15 ~~district with less than one million residents is encouraged to~~
16 ~~expend funds available to the district for the purposes specified~~
17 ~~in subdivision (a) in a manner similar to that set forth in~~
18 ~~subdivision (a), to the extent that district determines that this is~~
19 ~~feasible.~~

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.